

## Summary of Questions and Answers

Old Sixth Ward Town Hall Meeting Held on April 26, 2007 on the Proposal for Establishing a Protected Historic District

### ***Questions Relating to Changing the Ordinance from 90 days waiting period to mandatory compliance.***

- *Who decided a Historical District was needed and why?*
- *What steps is the City taking to ensure that the drafting of the proposed regulations gives equal consideration to those who support the existing preservation ordinance as opposed to those who favor additional restrictions?*
- *If the current preservation ordinance is working, why change?*
- *How will the proposed ordinance effectively preserve the historic houses?*
- *Has there already been a decision to enact a change to the 90 day rule?*
- *Are you planning to take away our 90-day wait period?*

### **Answer(s)**

#### **Purpose of Historic Preservation in Old Sixth Ward.**

The Old Sixth Ward was designated as a city historic district in 1998. The current Historic Preservation Ordinance provides a limited degree of protection to the neighborhood, but becomes voluntary after a 90-day waiting period if a certificate of compliance is denied. This has resulted in activity that diminishes the historic character of the district such as demolition and inappropriate alteration of historic structures, and incompatible new construction. Since the Old Sixth Ward Historic District was established, 51 historic structures have been inappropriately altered, four have been relocated, 10 historic structures have been demolished, and 12 have been replaced with new construction that is incompatible with the historic Old Sixth Ward character. As this trend continues, the Old Sixth Ward will eventually lose its historic significance. The proposal under discussion is to make compliance with the Historic Preservation Ordinance mandatory, not voluntary, within a slightly smaller boundary established as a Protected Historic District.

## Eliminating the 90-day rule.

A majority of property owners in the Old Sixth Ward Historic District have consistently sought enforceable provisions that will protect the historic integrity of the neighborhood. Eliminating the 90-day rule and implementing mandatory provisions will not prohibit change, but will ensure that any new development activity - whether restoration or new construction - is consistent with the historic character of the Old Sixth Ward.

## Questions relating to opt out provisions and level of support.

- *What if I want to opt out?*
- *If people can opt into the District, why can't people opt out?*
- *Do you believe it should take an overwhelming majority to enact any new guidelines? What percent would be necessary?*
- *The majority of the neighborhood residents that live in OSW are in support of this initiative. Are you going to give the true stakeholders the weight they deserve? And go with the majority's desire to protect this area?*
- *When will the City re-poll 6<sup>th</sup> Ward property owners asking for a more valid solicitation of the proposed ordinances, since two of the real and valid issues facing the 6<sup>th</sup> Ward are: 1) Do the citizens favor the city restricting the uses of their property and 2) do the citizens approve the city spending tax dollars subsidizing special interest projects? (Referred to the City Attorney)*
- *When will all of us get a chance to state our opinion/be included in the poll?*
- *When will you be mailing your "ordinance poll" to the entire neighborhood?*
- *When will all of us get a chance to state our opinion/be included in this poll?*

## Answer(s)

### No provision for opting out.

The proposal to establish a Protected Historic District does not provide for opting out of the mandatory provisions. Allowing properties to 'opt out' of the proposed protected historic district would result in a "checkerboard" historic district that does little to protect the entire historic fabric of the neighborhood and defeats the goals of having a protected historic district. When everyone in the district must abide by the same rules, there is consistency and stability that enhances and strengthens the neighborhood to everyone's benefit. The property owner allowed to 'opt-out' receives the benefits of everyone else's compliance without having to follow the same set of rules.

### Measuring support.

The support cards are a good way to look at public opinion about the new proposal. We also recognize that the Protected Historic District proposal is different in some respects from the TIRZ Zoning Plan proposal two years ago. The petitions for and against the zoning proposal could not tell us community support for this new proposal. Moreover, going through another petition process takes a great deal of time and is expensive. Support cards were mailed out to all property owners in the current Historic District on April 13, 2007, seeking input on support for a protected historic district. The responses received show approximately seventy-six (76) percent of the property owners within the proposed Protected Historic District and approximately seventy percent (70%) within the current Historic District are in favor of a protected historic district.

### Questions relating to public input on the ordinance and design guidelines.

- *Who gets to have inputs on Design Guidelines?*
- *When will we actually get to speak and DEFEND our property rights?*
- *When will we have a chance to speak and stand up for our property rights?*
- *Will you ask for a show of hands at this meeting? Who is for, and who is not for new restrictions?*
- *When are at least 2 SWPO members (property owners) going to be included on the team formulating the proposed 6<sup>th</sup> Ward ordinances?*
- *Why aren't the objections of all property owners being heard?*
- *When will all property owners be heard?*
- *Why is City Council rushing through without hearing all the objections?*
- *Who is Jim Hill? Who does he work for? What are his qualifications?*
- *When will the final guidelines be posted?*
- *How can the sought goal of "objective standards" in regards to design guidelines be objective when the process is only reflective of one particular set of values, positions, styles; reflective of only one set of objectives without true participation and involvement of diverse sets of citizens, their positions and objectives? (Referred to City Attorney)*

### Answer(s)

### Opportunity for public input.

There will be several opportunities for public input as the proposal for a Protected Historic District moves from its conceptual stage to a final

ordinance. The purpose of the Town Hall meeting on April 26<sup>th</sup> was to explain the proposal to the neighborhood and to answer questions. The draft ordinance will be ready in mid-May and notice will be provided to property owners when the draft becomes available. In addition to the Town Hall meeting, there will be another Town Hall meeting scheduled, and public hearings before the Houston Archeological and Historical Commission, the Planning Commission, Quality of Life Committee and City Council.

### **Drafting the Ordinance and Design Guidelines.**

The City Attorney's Office will prepare the draft ordinance provisions for the proposed Protected Historic District. The City has contracted with Jim Hill of Civic Design to develop the Design Guidelines. Jim Hill is an architect and urban planner with over 20 years of experience working with many municipalities and private developers. The proposed Design Guidelines are based on the existing historic character of the Old Sixth Ward as reflected in building setbacks, height, density, materials, placement on lot, and other physical characteristics of the historic development pattern. Draft guidelines should be ready in mid-May. Property owners will be notified and will have several opportunities to make formal comment on the proposal. Any issues or changes will be vetted through the public hearing and comment process. Ultimately, City Council will decide what will be included in the final ordinance and design guidelines.

The enforcement of mandatory standards requires very clear and highly detailed criteria for review. The HAHC already applies criteria detailed in Chapter 33 of the Code of Ordinances when considering Certificate of Appropriateness applications. The Design Guidelines merely makes the criteria more explicit, enabling the HAHC to make consistent and fair decisions based on uniform standards. Furthermore, the design guidelines benefit Old Sixth Ward property owners by providing clear standards they can follow when drawing up any plans for restoration or new construction. Design Guidelines encourage better quality design appropriate for the historic district, which in turn enhances the overall character of the neighborhood.

### ***Questions relating to how the Protected Historic District boundary was determined.***

- *Why was the size of the Historic District reduced? My properties on State St. face devaluation because properties directly across the street were deleted from the boundaries of the Historic District.*
- *What happens to homeowners who have made the commitment to preserve, but are now cut out by the new boundaries?*
- *My home is just across Union, outside of the proposed historic district. I would like to be included in the Historic District. My address is 920 Taylor St. How can I get my home included in the Historic District?*

- *My parking lot is in the current Historic District on State Street. Under the proposed OSW Protected Historic District it will not be in that District. Will it still be under control of the current District and still be subject to their control?*

## **Answer(s)**

### **Boundary determination.**

We looked at the proposed TIRZ zoning plan boundary and also considered the importance of preserving the integrity of the remaining historic structures, and believe this is a good starting point. The proposed Protected Historic District boundaries exclude a large number of vacant or non-historic properties on the fringes of the historic district.

### **Properties outside the Protected Historic District boundary.**

The existing historic district boundaries will remain in place unless the Historic District is amended, and the 90-day waiver will still apply to properties that lie within the current historic district but outside of the proposed Protected Historic District. Owners of historic properties that fall outside of the proposed boundary may apply for Protected Landmark designation for their individual structures, although not all individual structures may qualify for Protected Landmark status.

### **Questions related to the regulation of land use.**

- *We don't have zoning, why are we bringing zoning experts?*
- *Will restrictions disallow a residential lot to be assembled into a commercial reserve facing Washington Ave? Could the tract still comply as historic as commercial?*
- *Explain how "the protected historic district status does not regulate land use." The design guidelines do regulate, restrict what people do with their property.*

## **Answer(s)**

### **Land Use Regulation.**

All new development activity in the proposed protected district, whether intended for residential or commercial use, will require a Certificate of Appropriateness from the HAHC to ensure design compatibility with the historic character of the Old Sixth Ward neighborhood. Land use will not be regulated under the Protected Historic District regulations.

### **Questions relating to how “Protected” designation of OSW affects the rest of Houston**

- *How can the City apply special guidelines to OSW when other areas of Historic interest have none?*
- *Will the City apply the same ordinance to all sections of the city when they reach a certain age? If no - why not?*
- *If this is implemented in the 6<sup>th</sup> Ward, would it open the doors for this to happen in other parts of Houston? Would it affect Houston as a whole legally?*

### **Answer(s)**

#### **City-wide application.**

The Old Sixth Ward is unique to Houston in two ways: it has been established as a TIRZ with zoning authority, and a large portion of the TIRZ is designated as a Historic District. Because it contains the largest concentration of 100-plus-year-old structures of any of the city's existing designated historic districts, with 169 buildings over 100 years old, the City must ensure that protections are in place to avoid the loss of additional 100-plus year-old structures. At present, there are no plans to designate other historic districts.

### **Questions relating to the timeline for implementation of the proposed Protected Historic District**

- *We have fought for these restrictions for over 13 years. When can we expect to see this completed? Is the City committed to following up on this action?*
- *What is the timeline for implementation or passage of the ordinance?*

### **Answer(s)**

#### **Timeline.**

The draft ordinance and design guidelines will be posted for public comments in mid May. There will be a second Town Hall meeting scheduled later in May and a public hearing before the Houston Archeological and Historical Commission May 23<sup>rd</sup> and before the Planning Commission in June. Recommendations from the commissions will be presented to the City Council's Quality of Life Committee and to the full City Council in July with passage expected by August.

### **Questions relating to dilapidated and dangerous building enforcement**

- *How to deal with dangerous buildings?*

- *I disagree I want to know if the Mayor of Houston would like to live in a 1100 square foot home - poor insulation, freezing in the winter, hot in the summer?*
- *How was historic site status awarded? The house next door to me is a dilapidated rental property, built within the past 40 years. It has questionable historic significance and is terribly maintained. If it is designated historic, I fear it will never be more than an eyesore.*
- *These guidelines and recommendations do not mention any timelines/deadlines for completion of projects. How long must we suffer the "good intentions" of our neighbors? So, as long as I have a C of A, I have an unlimited amount of time to complete my project?*
- *How does the city plan to enforce the proposed guidelines specifically since the City budget is strapped already? We have properties now that protective services cannot even enforce what has been required.*
- *Under the current preservation code a property owner can be fined \$500 a day if he alters the look of his home while doing ordinary maintenance - will this penalty be part of the 6<sup>th</sup> Ward guidelines?*

## **Answer(s)**

### **Dilapidated and Dangerous Building Regulation.**

Dangerous or poorly maintained properties are not exclusive to historic districts. The Neighborhood Protection Corps enforces Chapter 10 of the Code of Ordinances related to open and dangerous buildings, weeded lots, junk motor vehicles, graffiti, other nuisances on private property. The division is responsible for monitoring Dangerous Building Orders of the Building and Standards Commission and the Hearing Official for owner compliance. Contract Compliance Officers conduct compliance inspections after the dangerous building order expires. If the owner has not complied with the order, the inspector refers the property for demolition or securing based upon the condition of the structure. The division provides dangerous building, weeded lot, junked motor vehicle, and graffiti abatement services on private property when owners have failed to comply with a dangerous building order, or a violation notice. Liens are placed against these properties once the City has performed the work.

### **Fines for violations.**

The penalty for violating the Code of Ordinances provisions for Historic Preservation is a misdemeanor offense and fines range from \$50.00 to \$500.00. Each day the violation continues constitutes a separate offense. Similarly, the penalty for violating the Code provisions for Neighborhood Protection relating to dangerous buildings and nuisances is also a misdemeanor offense and fines



range from \$200.00 to \$2,000.00 with each day the violation continues constituting a separate offense.

### Enforcement.

Enforcement of the Protected Historic District regulations will be handled by the Neighborhood Protection team. Additional training on the new guidelines will be provided to compliance officers to ensure violators will be cited when appropriate.

### *Questions relating to incentives and funding to help preservation efforts.*

- Will the City consider an ad valorem tax break (in the form of incentives) for compliant properties?*
- We (my husband and I) would like to remodel an existing structure - a small cottage. Where do we find information about financial incentives: Is there a list of available properties besides those on MLS? (I'm a licensed Realtor). We do have experience restoring/remodeling a cottage in the Heights.*
- My house was 65 years old. Need to demolish. I don't have money to restore. I want to sell it. The builder does not want to buy if it is in Historic restriction. What is your solution?? Is there any fund from City or County to help the owner to restore property?*
- How can I find out if I qualify for grant money? There are two houses on my property. I live in one, the other is boarded up. I overcame health problems and invested in this property only to have my contractor leave (with my money) for Mexico. I don't want to sell as I have lived here for 8+ years.*

### Answer(s)

#### Incentives.

Creating a protected historic district will provide an incentive to homeowners to invest in restoration by ensuring them their investment will be protected. Having enforceable provisions provides more certainty as to what will happen around one's property. There is a serious disincentive to investing in restoring a historic property when a homeowner may end up living in the one historic house on a block totally surrounded by non-contributing development. Not only is that undesirable, but the historical significance of the historic building is vastly diminished along with that of the historic neighborhood.



City tax incentives already exist for owners of historic buildings in designated historic districts. Property owners who receive HAHC approval for their renovation work may receive a city tax exemption for up to 15 years of up to 100% of their improvement expenses. Other benefits of designation include exemptions from compliance with Energy Code requirements as well as a 50% discount on permit fees for approved work.

Incentives available from other sources include federal tax credits for income-producing historic properties listed on the National Register of Historic Places or located in a National Register Historic District (such as the Old Sixth Ward).

### **Funding.**

We are currently studying parameters for a Historic Preservation Grant Fund. Primarily, TIRZ funds will be used. In addition, when the city sells an historic property, the proceeds will go into this grant fund. We are also hopeful that such a fund will include contributions from the private sector.

### **Questions related to infrastructure needs.**

- *What about infrastructure? Who's paying for it?*
- *When will the new streets and gutters, likely be installed?*
- *How do you justify the use of limited city funds to subsidize special interest private parties when there are other important city initiatives that are underfunded, including the 6<sup>th</sup> Ward's need for street repairs, drainage, sidewalks and lighting?*
- *Are there plans to improve streets, gutters, drive entrances?*

### **Answer(s)**

#### **Infrastructure needs.**

The project plan of the TIRZ identified projects for infrastructure improvement, lighting and sidewalks. The TIRZ, with the assistance of PWE, is in the process of evaluating the infrastructure needs of the Old Sixth Ward. Improvements to sidewalks and lighting are two items slated for the upcoming TIRZ CIP budget. Robert Federlein, Special Assistant to the Mayor on the TIRZ program, is heading up the effort and will look for input from the neighborhood on priorities.

### **Questions concerning plaque for Protected Land Marks.**

- *The Spring home, built 1905 was designated a Houston historic landmark during the Lanier administration. Through Historic Houston, I obtained a Landmark plaque. This year it was designated a Protected Landmark. I*

*wish to obtain a Protected Landmark plaque. Will the city make those available through Historic Houston?*

### **Answer (s)**

### **Plaques.**

A draft of the Protected Landmark plaque design has been created, but it has not been placed into production yet. When it becomes available, an announcement will be made as well as instructions on how and where to obtain them.

### **Questions to the Mayor.**

- What period of time did you live in the historical home?*
- Are you running again for Mayor?*

### **Questions related to private property rights. (Referred to City Attorney)**

- How do historical type restrictions enhance, or even preserve, private property rights?*
- Mr. Hill, what part of the house did you not want to control and exactly what is left to the guy who's paying for the house?*
- How will the economic fallout and reduced property values be subordinated? What can the property owners that don't want to restore and don't want to lose investment money do?*
- I bought my property in a diverse neighborhood with neat features such as a wide range of architectural details - why change now and take my property rights?*
- What is the legal precedent for post subdivision guidelines?*

### **General Comments**

- The frequent use of "we" in the criteria presentation sounds significant and ominous.
- Are you clear about the objectives of and differences between the Old Sixth Ward Historic Association and the SWPO? There is NO COMMON GOAL! - because there is a significant difference between the two, I would think you need to know that in order to make all your deliberations less fuzzy.
- The OSW became a federal historic district in the late 1970s and a municipal historic district in 1998. We purposely bought in the OSW to renovate a home (built 1893) - we thought the TIRZ and the Historic

designation would just strengthen over time. ANYONE who bought after 1998, should know that homes should be restored or at the minimum compatible to the neighborhood. We need clear guidelines that support preservation.

- Who among us will be courageous enough to compromise on this common ground established here tonight?
- I live at 814 Bismark and face west towards Colorado Street. All the homes facing Colorado are not included in the proposed boundaries, and I believe my property should also not be included in the proposed boundary.
- First, I am very happy to be a 6<sup>th</sup> Ward resident! Why was the portion of Decatur St. left off the Historic District? I just moved into 2016 Decatur 2 weeks ago. There are “historic” rundown homes there, as well as newer homes (...as there are “others” within the neighborhood) which are not excluded? I need to understand.
- Mr. Mayor, I’ll bet you paid \$20,000 for hour house and \$20,000 rehab. Today you need to pay \$400,000 and \$250-300,000 to rehab. Very few homes will be rehabbed as the process too difficult and the cost to purchase will be too high except for the rich. Numerous in all areas of the city. Prediction:
  1. Tremendous bureaucracy
  2. End of affordable housing
  3. Young families will move to suburbs; no children in HISD
  4. Urban renewal slows down
  5. METRO loses high density needed to break even
  6. Property values go down.